

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANCIE MOELLER, et al.,

Plaintiffs,

No. C 02-5849 PJH

v.

**ORDER**

TACO BELL CORP., et al.,

Defendants.

Due to the court's unavailability until October 15, 2009, plaintiffs' objection to the magistrate judge's discovery order was not deemed denied. Because case management and scheduling issues were implicated by the dispute giving rise to the challenged order, the court held a telephonic case management conference to discuss these issues with counsel for both parties.

Because the court agrees with the magistrate judge that any site inspection would necessarily be conducted by an expert, and because it appears that plaintiffs in fact intended that any site inspection would be conducted by their expert, the court finds that the magistrate judge's order concluding that the inspection would post date the expert discovery deadline and would therefore be improper, is not clearly erroneous.

However, notwithstanding the discovery deadlines in place, in view of the extension granted defendants to complete additional remediation efforts before filing their motion for partial summary judgment, the court extends the time within which plaintiffs' expert may

1 conduct site inspections. The inspections of any number of stores may take place at any  
2 time before their opposition is filed. Plaintiffs shall provide 48 hours advance notice to  
3 defendants of the location, date and time of each inspection. Defendants and/or their  
4 representatives may be present during the inspections.

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6 **IT IS SO ORDERED.**

7 Dated: October 22, 2009



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PHYLLIS J. HAMILTON  
United States District Judge